

APPEAL NO. 021018
FILED JUNE 10, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on March 20, 2002. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable repetitive trauma injury and that the claimant has not had disability. The claimant appealed. No response was received from the carrier.

DECISION

As reformed herein, the hearing officer's decision is affirmed.

The claimant alleged that she sustained a repetitive trauma injury as a result of performing her work activities. The claimant had the burden to prove that she sustained a repetitive trauma injury as defined by Section 401.011(36) and that she had disability as defined by Section 401.011(16). Conflicting evidence was presented at the CCH, including conflicting opinions regarding the nature of the claimant's job duties. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer's decision that the claimant did not sustain a repetitive trauma injury is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W. 2d 175 (Tex. 1986). Without a compensable injury, the claimant would not have disability as defined by Section 401.011(16).

We reform the hearing officer's decision to correct two typographical errors. First, we reform the Statement of the Evidence and Discussion section of the hearing officer's decision to reflect that the carrier's vocational expert, and not the claimant's, testified at the CCH. Second, we reform the Decision section of the hearing officer's decision to state the alleged date of injury as "_____", and not "_____" [sic].

The hearing officer's decision and order, as reformed herein, are affirmed.

The true corporate name of the insurance carrier is **ZURICH NORTH AMERICA** and the name and address of its registered agent for service of process is

**GARY SUDOL
12222 MERIT DRIVE, SUITE 700
DALLAS, TEXAS 75251.**

Robert W. Potts
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Philip F. O'Neill
Appeals Judge